

IN THE CIRCUIT COURT OF THE 19<sup>th</sup> JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

GERLINE ZIMEO, as best  
friend of JANE DOE,  
a minor child  
Plaintiff

CIVIL DIVISION

CASE NO.:562007CA00596 AXXXHC

CLERK OF CIRCUIT COURT  
ST. LUCIE COUNTY, FL  
10 JAN 19 AM 11:23

Vs.

DEPARTMENT OF CHILDREN AND FAMILIES,  
an agency of the State of Florida, organized  
and Chartered under the Laws of the State of  
Florida, UNITED FOR FAMILIES Inc. and HIBISCUS  
CHILDREN'S CENTER, Inc., both non-profit  
corporations Organized and existing under the  
Laws of the State of Florida  
Defendants.

\_\_\_\_\_/

**GUARDIAN AD LITEM REPORT**

Prepared for:

The Honorable Burton C. Connor  
St. Lucie County Courthouse

Prepared by:

William C. Robinson, Esquire  
16801 NE 6<sup>th</sup> Avenue  
North Miami Beach, Florida 33162

**MINOR'S CLAIM**

On **December 29, 2004**, the Plaintiff was removed from her home by individuals in the employ of United for Families, Inc. and/or Hibiscus Children Center, Inc. and placed in a Foster Home. From that date forward until approximately **February 2005**, MARQUETTE ANTWON DAMES a minor

residing at the same home, committed forceful sexual battery on the minor female. The proposed settlement in this matter is \$150,000.00, including attorney's fees and costs. Claimants will allocate the minor's portion of the settlement to a restricted depository pursuant to a guardianship action being started or other similar mechanism to hold the same for the minor until she reaches 18 years of age.

#### **PERSONAL INTERVIEWS**

In preparation for this report the following persons were interviewed:

1. Phillip J. Brutus, Esquire, the Plaintiff's attorney  
(305) 899-0411
2. Gerline Zimeo, natural mother of minor child.  
(772) 882-0714

#### **DOCUMENT(S) REVIEW**

1. Motion to Approve Settlement and Authorization for Distribution of Funds.
2. All discovery requests and responses filed in the case.
3. Transcripts of depositions.
4. Plaintiff's expert's notes.
4. Complaint.
5. Answers and Affirmative defenses filed by defendants.

#### **MOTHER'S POSITION**

I conducted an in—depth interview with the child's mother and explained to her the pros and cons of trials and settlement. She advised that the child sings in her church choir and is doing very well in school. She feels that this settlement is in the best interest of the child.

### OPINION OF ATTORNEY AD LITEM

Based on the information examined, it appears that the settlement is in the best interest of the minor. In addition, per Plaintiff's counsel, the expert opined that while there appears to be some negligence against the defendants, he could not find a smoking gun. He further opined that it might difficult to convince a jury that the defendants knew of the minor male's propensity to commit sexual battery, particularly when he had no prior sexual misconduct. The minor child's net total settlement is \$90,000.00 minus costs advanced, which are approximately \$5,000.00. A full accounting thereof will be filed with the court upon receipt of the full settlement amount. Under the circumstances, the settlement amount is within an acceptable range.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the instant Request for admission, previously served upon United For Families, Inc together with the original complaint, was delivered via US Mail to J. Scott McMahon, Esquire, Fowler, White, Boggs, Banker, PA, 501 East Kennedy Blvd., Suite 1700, Tampa, Florida 33602 and Mark Morrow, Esquire, Morrow & Milberg, PA, 499 NW 70<sup>th</sup> Avenue, Plantation, Florida 33317 on this 12<sup>th</sup> day of January 2010.

William C. Robinson, Esquire  
16801 NE 6<sup>th</sup> Avenue  
North Miami Beach, Florida 33162  
Tel. (305) 899-0411  
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By: 

William C. Robinson, Esquire  
Florida Bar No.:386847